

**United States District Court
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CitiFinancial Mortgage Company Inc.

Plaintiff

vs.

Veronica Solomon, et al.

Defendants.

Case No. 1:05-cv-2254

**District Judge Gaughan
Magistrate Judge Hemann**

**MOTION TO VACATE JUDGMENT
AND DISMISS CASE**

Plaintiff moves for an order vacating the judgment and decree of foreclosure entered in this case pursuant to Rule 60(B)(5) and for an order dismissing this case pursuant to Rule 41(A)(2) of the Federal Rules of Civil Procedure. Plaintiff and Mortgagors Veronica Solomon and Alexander Solomon have entered into a deed in lieu of foreclosure.

Plaintiff wishes to have the judgment and decree of foreclosure vacated so that this case can be dismissed at Plaintiff's costs. Plaintiff acknowledges that the dismissal of its claims will not affect any pending cross-claims. However, in the event the property is taken to sale by another lien holder, Plaintiff requests that its interest be protected or, if possible, that Plaintiff be given an opportunity to have the property sold subject to Plaintiff's mortgage. As a result, Plaintiff wishes to have the case dismissed at Plaintiff's costs.

Respectfully submitted,

/s/ Kevin L. Williams

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unopposed and granted.
/s/ Patricia A. Gaughan
3/13/06